

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NANCY CALDWELL, an individual,

Plaintiff,

v.

WELLS FARGO BANK, N.A., successor in
interest to Wachova Mortgage, FSB Successor in
Interest to World Savings Bank; REGIONAL
TRUSTEE SERVICES CORPORATION, a
Washington corporation; all persons or entities
unknown claiming any legal or equitable right,
title, lien or interest in the property described in
this complaint adverse to Plaintiff's title thereto;
DOES 1 THROUGH 25, inclusive

Defendants.

Case No.: 13-CV-01344-LHK

ORDER REGARDING THE PARTIES'
STIPULATION TO EXTEND
DEFENDANT'S TIME TO ANSWER

On March 26, 2013, Plaintiff filed a complaint and an *Ex Parte* Application for a Temporary Restraining Order ("TRO Application") seeking to enjoin a foreclosure sale on Plaintiff's property scheduled for two days later on March 28, 2013. ECF Nos. 1, 3-5. Plaintiff voluntarily withdrew her TRO Application on March 28, 2013. ECF No. 12. However, during the time the TRO Application was pending, the Court was informed that Plaintiff was litigating a

1 nearly identical case in the Central District of California relating to the same property (a TRO had
2 already been denied in that case), and that, accordingly, this Court might not have jurisdiction. The
3 Court therefore requested that the parties submit two pages of briefing each regarding the Court's
4 jurisdiction so that the Court could be educated if it became necessary to resolve this issue. ECF
5 No. 13. The parties submitted their briefs on April 10, 2013. ECF Nos. 16 and 17.

6 On April 24, 2013, the parties stipulated, without Court approval, to extend the time for
7 Wells Fargo to file a response to the complaint until 21 days after the Court's ruling on jurisdiction
8 and venue. ECF No. 19. There is no, and has never been, a motion pending regarding jurisdiction
9 or venue. The Court will not issue a ruling on jurisdiction or venue until such a motion is filed, if
10 any. Thus, to the extent the parties have ceased to litigate this case on the grounds that the Court
11 has not ruled on jurisdiction, this decision was in error.

12 **IT IS SO ORDERED.**

13 Dated: July 12, 2013

14 
15 LUCY H. KOH
16 United States District Judge